

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

394J0463

## HOUSE BILL NO. 1205

Introduced by: Representatives Adelstein, Cutler, and Murschel and Senators Ham-Burr and Dempster

1 FOR AN ACT ENTITLED, An Act to provide for emergency contraception at the election of  
2 certain sexual assault victims.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Department," the Department of Health;

6 (2) "Emergency care of sexual assault victims," medical examinations, procedures, and  
7 services provided by a hospital to a sexual assault victim following an alleged sexual  
8 assault;

9 (3) "Emergency contraception," the administration of a drug approved by the Federal  
10 Food and Drug Administration that prevents pregnancy after sexual intercourse;

11 (4) "Hospital," any facility providing emergency or urgent health care;

12 (5) "Medically and factually accurate and objective," verified or supported by the weight  
13 of research conducted in compliance with accepted scientific methods and standards;  
14 published in peer-reviewed journals; and recognized as accurate and objective by  
15 leading professional organizations and agencies with relevant expertise in the field



1 of obstetrics and gynecology, such as the American College of Obstetricians and  
2 Gynecologists;

3 (6) "Sexual assault," any crime of sexual penetration which occurs under such  
4 circumstances that there is the biological possibility that the sexual assault victim  
5 may have been impregnated as a result; and

6 (7) "Sexual assault victim," any female who alleges or is alleged to have been sexually  
7 assaulted and who presents as a patient to a hospital.

8 Section 2. A hospital that provides emergency care to any sexual assault victim shall:

9 (1) Provide each sexual assault victim with medically and factually accurate and  
10 objective written and oral information about emergency contraception;

11 (2) Orally and in writing inform each sexual assault victim of her option to be provided  
12 emergency contraception at the hospital; and

13 (3) Provide emergency contraception at the hospital to each sexual assault victim who  
14 requests it.

15 However, the provisions of this section only apply, if the emergency contraception can be  
16 initiated within seventy hours of the actual occurrence of the sexual assault.

17 Section 3. Each hospital shall provide for the availability of personnel who are trained to  
18 provide medically and factually accurate and objective information about emergency  
19 contraception.

20 Section 4. The department shall promulgate rules pursuant to chapter 1-26 to regulate the  
21 training to be provided by hospitals pursuant to personnel who provide emergency care for  
22 sexual assault victims pursuant to this Act.